

Appln. No. 10/645,369

Amdt. dated 11/29/05

Reply to Office Action of: 08/31/05

Remarks

Applicant has redrafted the claims to invention in this case in an attempt to cure the indefiniteness referred to by the examiner in paragraphs 1-3 of the outstanding Office Action.

Cancelled claims 1-3 6 & 8 were rejected under 35 USC section 103 as obvious over Miller in view of Drexelius. The primary reference to Miller discloses a detonating cord retention device comprising a rectangular block having an internal blast passageway open to only one side of the block, and having parallel channels that communicate with the blast passageway. The Examiner's position in the outstanding rejection can be summarized as follows: "to modify the structure of Miller employing a polymeric material as suggested by Drexelius Hynes and Yunan would have been obvious".

As pointed out by the Examiner the channels of Miller that accommodate the detonating cord are oriented along the longitude axis or center line of the block, and hence are parallel.

Newly submitted claim 11 calls for slots that are angled inwardly toward one another to minimize the spacing between the loop end portions of the detonating cord in the channel or blast passageway. Furthermore, claim 10 calls for the block to not only be polymeric, but to include a living hinge on one side and a latch on the opposite side, so that the block comprises a base, and a lid hinged to the base, the lid

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being moveable relative to the base to facilitate placement of the end portions of the looped detonating cord in these slots. Perhaps more significantly claim 10 calls for the blast passageway or channel to be open to opposed sides of the block in order to provide a non-directional detonating cord retention device. This is important given the environment for the invention (in a packaging system). It is important that the detonating device function regardless of the direction for any accidental percussion signal in the detonating cord in order to dissipate that signal and prevent further travel of the percussion wave within the detonating cord.

As mentioned above newly added claim 10 calls for the living hinge defined integrally with the polymeric material of the block itself. While the examiner cites Yunan (4815382) for the proposition that living hinges are known in this art, there is no suggestion in either Miller or Yunan or the other references cited to suggest that a detonating block be provided with a living hinge. This is a particularly significant feature of the present invention because it not only reduces the cost of fabrication of the device, but does so in a manner that allows the lid to be opened so that the end portions of the loops of detonating cord can be placed in or removed from the slots in a much more convenient fashion than possible with the Miller patent disclosure. Certainly the disclosure in Yunan is relevant only after first seeing the present disclosure. It is well settled that a patent applicant's disclosure not be used as a template from which to recreate the claimed invention as would be necessary under the Examiner's reasoning in the combination of Miller and Yunan.

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The Examiner contends that Miller appears to define structure that functions in the same manner as that structure claimed herein by applicant. The above remarks emphasize the difference in structure between Miller and the subject disclosure, namely the blast passageway extending through to opposite sides of the block rather than the block being open to only one side as suggested in Miller. This difference in structure leads to a difference in result, namely a non-directional detonation device that differs radically from the directional detonation device of Miller.

The Examiner relies upon Owens (#4817787) as disclosing detonating cord support panels arranged in a stack in order to contain detonating cord in a series of loops in a package for shipment. The present invention calls for a particular detonating device, of a type and geometry not utilized in Owen. Owen merely suggests that the detonating cord be arranged in parallel tubes, the cord being pinched together outside the tubes by retaining strap 41, but with a separator strip provided between the loop end portions as suggested in figure 3 of Owen. Thus, Owen teaches away from the present invention by reason of the fact that a separator strap is required between the end portions of the loop. Applicant provides these end portions in a blast passageway that is unobstructed to allow the percussion signal to travel from one loop end portion to an adjacent loop end portion. One would be unlikely to come away with applicant's invention given the disclosures in Miller and Owen, because Miller discloses and claims only a one directional detonation device, not an appropriate device for use in a packaging system such as that envisioned as the environment for the present invention. Here again, applicant's


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disclosure should not be used as a template from which to recreate the claimed invention from among several prior art patents devised for quite different purposes.

In conclusion, applicant respectfully traverses the Examiner's grounds for rejection, and submits newly added claims 10-12 for the Examiner's consideration in light of these remarks. Favorable reconsideration of the application as amended is respectfully requested. Should the Examiner have any other objections to the claim language as presented applicants attorney can be contacted at the telephone number listed below in order to rectify any remaining formal objections to the claim language.

Respectfully submitted,

By


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